

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD., a
Japan corporation,

Plaintiff,

vs.

QK HOTEL, LLC, a Hawaii limited
liability company, et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD.,
a Delaware Corporation, et al.,

Third-Party Defendants.

CV 04-00124 ACK-BMK
CONSOLIDATED CASES
DECLARATION OF
ROBERT A. MARKS

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a
Hawaii limited liability company, et
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japan Corporation, et al.,

Third-Party Defendants

CV 04-00125 ACK-BMK

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC, a
Hawaii limited liability company, et
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Delaware Corporation, et al.,

Third-Party Defendants.

CV 04-00126 ACK-BMK

SPORTS SHINKO CO., LTD., a
Japan corporation,

Plaintiff,

vs.

OR HOTEL, LLC, a Hawaii limited
liability company, et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD.,
a Delaware Corporation, et al.,

Third-Party Defendants.

CV 04-00127 ACK-BMK

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

CV 04-00128 ACK-BMK

MILILANI GOLF CLUB, LLC, a
Hawaii limited liability company; et
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japan Corporation, et al.,

Third-Party Defendants.

DECLARATION OF ROBERT A. MARKS

Pursuant to 28 U.S.C. § 1746, ROBERT A. MARKS declares as follows:

1. I am a member in good standing of the bar of this Court and an attorney for Defendants PUKALANI GOLF CLUB, LLC ("PGC, LLC"), KG MAUI DEVELOPMENT, LLC ("KG Development"), and KG HOLDINGS, LLC ("KG Holdings") (collectively the "Defendants"). I am also legal counsel to other defendants that are subsidiaries of KG Holdings, LLC.

2. I make this declaration in support of Certain KG Defendants' Reply Memorandum In Support Of Motion to Expunge the Notice of Pendency of Action, filed on February 20, 2004 and the accompanying memorandum (the "Memorandum"), in which the Defendants seek to expunge the Notice of Pendency of Action ("Lis Pendens") filed by Plaintiff Sports Shinko (USA) Co., Ltd. (the "Plaintiff").

3. A true and correct copy of the Notice Of Pendency Of Action recorded at the Bureau of Conveyances on February 23, 2004 as Land Court Doc No 3073326 and Regular System Doc No. 2004-036087 is attached to the Memorandum as Exhibit "D".

4. A true and correct copy of the Second Amended Complaint (Pukalani) filed at United States District Court for the District of Hawaii as CV 04-00124 ACK/BMK on July 12, 2005 is attached to the Memorandum as Exhibit "E".

5. A true and correct copy of Third-Party Defendants Sports Shinko Co, Ltd., Sports Shinko (Hawaii) Co., Ltd., Sports Shinko (Mililani) Co., Ltd., Sports Shinko (Kauai) Co., Ltd., Sports Shinko (Pukalani) Co., Ltd., Sports Shinko Resort Hotel Corporation, Sports Shinko (Waikiki) Corporation, and Ocean Resort Hotel Corporation's Answer To Defendant and Third-Party Plaintiff Franklin K. Mukai's Third-Party Complaint Filed On September 26, 2005 filed at United States District Court for the District of Hawaii as CV 04-00124 ACK/BMK on January 13, 2006 is attached to the Memorandum as Exhibit "F".

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, September 14, 2006.

/s/ Robert A. Marks

ROBERT A. MARKS